IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10373 of 2007(I)

PETITIONER:

N.H.JABBAR
MANAGER,
JAMA-ATH-L.P.SCHOOL
CHELAKKULAM, VENGOLA
ERNAKULAM DISTRICT

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE SECRETARY TO GOVT. DEPT. OF GENERAL EDUCATION GOVT. SECRETARIAT THIRUVANANTHAPUAM**

2. **DEPUTY DIRECTOR OF EDUCATION ERNAKULAM**

BY GOVT.PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/07 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.10373 OF 2007

Dated this the 26th day of March, 2007

JUDGMENT

Petitioner is the manager of an unrecognised unaided school. It is stated that respondents are not permitting the petitioner to conduct the examinations in the school for the students studying in standard IV to VI and insisting that the pupils have to appear for the examinations conducted in Govt/aided schools where totally a different syllabus is followed. Petitioner challenges clause 3 of Ext.P4.

2. Prayer in the writ petition is for a direction to quash Ext.P4 to the extent it denies permission to the petitioner to conduct the annual examination for the standard V and VI in his school and directs the pupils in the school to appear in the annual examination in Govt, aided, recognised aided schools. There is a further prayer for a direction to the second respondent to permit the petitioner to conduct the annual examinations in his school for the

students studying in standards IV to VII and to issue transfer certificate to the pupils in accordance with the provisions of the KER.

3. Petitioner has filed an affidavit undertaking that on behalf of the Bethany Convent that all the necessary steps will be taken to enforce KER in the school in the next academic year onwards and any conditions that may be imposed shall also be observed strictly.

4. I heard learned Government Pleader also.

In the light of the affidavit filed, there will be a direction to the second respondent to consider and pass orders on the application filed by the petitioner for grant of permission to conduct annual examinations in the petitioner's school for the students studying in standards IV to VI and to issue transfer certificates on the basis of the order dated 11/12/2001 within one week from the date of receipt of a copy of this judgment. Subject to the above, impugned clause is upheld.

K.M.JOSEPH
JUDGE

sv.

The words " Bethany Convent" occurring in 2nd line of paragraph 3 of the judgment dated 26-03-2007 in W.P.(C) No.10373/2007 are deleted and substituted as "Jama-Ath" as per order dated 07-01-2010 in I.A.No.8679/2007.

Sd/-

Registrar (Judicial)